IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO.2267 OF 2004
IN
APPEAL NO.475 OF 2004
IN
CHAMBER SUMMONS NO.786 OF 2004
IN
SUIT NO.1850 OF 2001

Mahendra Dungarshi Momaya .. Appellant

v/s.

1. Rajendar Dungarshi Momaya & ors.. Respondents

Mr. Ambar Joshi i/by Mr.Suhas Oak for appellant.

Mr.Rajesh Shah for respondent Nos.3 and 4.

Mr.R.S.Apte for respondent No.5.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 17th September, 2004

P.C.

For the reasons stated in the affidavit in support of the notice of motion, we are satisfied that the appellant's advocate was prevented by sufficient cause in appearing before this court on 3rd August, 2004 when the appeal was called out for hearing.

2. The order dated 3rd August, 2004 is recalled. Appeal is restored to file. Office to proceed accordingly.

3. Notice of motion stands disposed.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)